

**RESOLUTION C-2016-20**

**INTRODUCING: Mosby & McGinn  
COMMITTEE: A.S.D.**

**A RESOLUTION APPROVING A LAND BANK MANAGEMENT AGREEMENT**

WHEREAS, the City of Evansville, Indiana ("City"), has a substantial number of tax delinquent and other properties which are nonrevenue generating, vacant, or dilapidated ("Distressed Property");

WHEREAS, the Distressed Property contributes to the blight and deterioration of the community and constitutes an economic burden on citizens of the City and inhibits economic growth and development;

WHEREAS, the City currently undertakes a project to address Distressed Property through Evansville Brownfields Corporation ("Brownfields"), an Indiana non-profit corporation currently functioning as a land bank to return Distressed Property to a useful and contributing status;

WHEREAS, the 119th Indiana General Assembly, recognizing the magnitude of the problem, passed Senate Enrolled Act No. 232 adding Indiana Code 36-7-38 as a new chapter to the Indiana Code ("Act") for the purpose of allowing the establishment of a local land bank authority;

WHEREAS, the land banks contemplated by the Act are designed to help communities acquire Distressed Properties in order to foster the public purpose of returning such property to an effective utilization status in order to provide housing, new industry, and jobs for community citizens;

WHEREAS, the City, by and through its Mayor and Common Council, are working to establish such a land bank pursuant to Ordinance G-2016-23.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Evansville, Indiana, that the Land Bank Management Agreement, attached hereto as Exhibit A, between the City of Evansville and the Evansville Land Bank Corp. is ratified, authorized, confirmed, and approved.

**FILED**

**JUL 06 2016**

*Janice Wiedner*  
CITY CLERK

PASSED BY the Common Council of the City of Evansville, Indiana, on the 25 day of July, 2016, and on said day signed by the President of the Common Council and attested by the City Clerk.



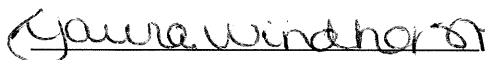
Missy Mosby  
President of the Common Council

ATTEST:



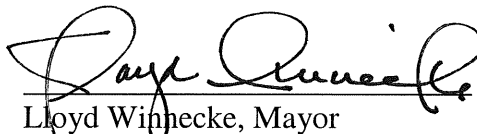
Laura Windhorst, City Clerk  
City of Evansville, Indiana

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, and to the Mayor of said City, the 29 day of July, 2016, at 1 o'clock P.m. for his consideration and action thereon.



Laura Windhorst, City Clerk  
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this 29<sup>th</sup> day of July, 2016, at 2:00 o'clock P.m.



Lloyd Winnecke, Mayor  
City of Evansville, Indiana

EXHIBIT A

## LAND BANK MANAGEMENT AGREEMENT

This land bank management agreement is dated \_\_\_\_\_ between the CITY OF EVANSVILLE, INDIANA, by and through its Board of Public Works on behalf of its Department of Metropolitan Development of the City of Evansville, Indiana ("**City**") and EVANSVILLE LAND BANK CORP., an Indiana not for profit corporation ("**Land Bank**").

The City and Vanderburgh County, Indiana ("**County**"), have a substantial number of tax delinquent and other properties which are nonrevenue generating, vacant, or dilapidated ("**Distressed Property**").

The Distressed Property contributes to the blight and deterioration of the community and constitutes an economic burden on citizens of the City and inhibits economic growth and development.

The City currently undertakes a project to address Distressed Property through Evansville Brownfields Corporation ("**Brownfields**"), an Indiana non-profit corporation currently functioning as a land bank to return Distressed Property to a useful and contributing status.

The 119th Indiana General Assembly, recognizing the magnitude of the problem, passed Senate Enrolled Act No. 232 adding Indiana Code 36-7-38 as a new chapter to the Indiana Code ("**Act**") for the purpose of allowing the establishment of a local land bank authority.

The land banks contemplated by the Act are designed to help communities acquire Distressed Properties in order to foster the public purpose of returning such property to an effective utilization status in order to provide housing, new industry, and jobs for community citizens.

The City, by and through its Mayor and Common Council, established such a land bank pursuant to Ordinance G-2016-23 ("**Ordinance**").

The parties hereto desire to address Distressed Property through a local land bank authority contemplated by the Act and Ordinance in lieu of Brownfields, which is currently functioning as a land bank until the effective date of this agreement.

The parties therefore agree as follows:

1. Powers of the Land Bank. The Land Bank shall hold in its name, for the benefit of the City, Distressed Properties which it shall acquire, all tax delinquent properties acquired by it pursuant to this agreement and the Act, and all properties otherwise acquired; provided, however, that the Land Bank shall not be permitted to acquire or take title to any commercial properties. The Land Bank shall have the power and authority to acquire, manage, maintain,

protect, rent, lease, repair, alter, sell, trade, exchange, or otherwise dispose of Distressed Property acquired through tax foreclosure or other methods as provided in the Act and Ordinance.

2. Provision of Services. The Land Bank shall provide blight removal services for the City and shall be charged with performing the land bank services contemplated in the Act and Ordinance. The Land Bank shall prioritize, in its discretion, the sale or transfer of properties:

- (a) for redevelopment that will act as a catalyst for further development;
- (b) that support a comprehensive development plan or strategic plan for neighborhood revitalization;
- (c) that reduce blight in the community;
- (d) that revitalize or stabilize neighborhoods;
- (e) that will be returned to productive, tax paying status;
- (f) that will be returned to productive uses, including development of side lots, green spaces, and gardens;
- (g) that are available for immediate ownership or occupancy without a need for substantial rehabilitation;
- (h) that will be used for affordable housing; or
- (i) that will generate operating support for the functions of the Land Bank.

3. Land Bank Governance. The Land Bank's board of directors shall at all times comply with the Act and Ordinance. The Land Bank shall develop and maintain policies, guidelines, and procedures for the acquisition, redevelopment, and disposition of property by and from the Land Bank. Such policies, guidelines, and procedures must be approved by the Land Bank's board of directors and formulated in plain language with the objective of being clearly understood.

4. Land Bank Staff. The Land Bank may directly employ, or otherwise contract with, any staff deemed necessary to carry out its duties and responsibilities. All Land Bank staff and contractors shall be paid directly from, or directly allocated to, Land Bank funds. City personnel may be used to provide additional staff resources to the Land Bank consistent with the terms and conditions of this agreement for the purpose of assisting the Land Bank in the

execution of its duties and responsibilities. The Land Bank may only use and work with such City personnel upon selection and approval by the Mayor of the City.

5. Land Bank Funding and Expenditures.

- (a) Within ninety (90) days of the commencement of this agreement, the City agrees to (i) seek approval for the allocation of the remainder of blight removal program funds in 2016, currently with Brownfields, to the Land Bank; and (ii) commence the transfer from Brownfields to Land Bank of certain Distressed Property and other properties owned by Brownfields as part of the blight removal program, as agreed to by Brownfields.
- (b) The annual City appropriations to the Land Bank are subject to approval by the City's Common Council.
- (c) The Land Bank shall establish its budget annually and submit this budget to the City each year.
- (d) Any funds held in the Land Bank's account shall be applied to the fulfillment of the monetary obligations identified as a part of the Land Bank's annual budget and shall be identified as such in the budget document submitted to the City.

6. Accounting and Audit. The Land Bank shall open in its name and be responsible for maintaining an account established for the management of sales proceeds, monetary contributions made by the City and donors, and other Land Bank funds.

- (a) Standard accounting procedures promulgated by the Indiana State Board of Accounts ("ISBOA") shall be used in the management of the accounts. The ISBOA shall audit the funds and accounts of the Land Bank as provided under the Act and Ind. Code § 5-11-1-25. A copy of the audit or financial statement and the auditor's opinion letter shall be submitted to City and its Common Council within sixty (60) days of its completion.
- (b) Audits or financial statements shall include a breakdown of specific grant sources and uses. At any time during normal business hours and as often as City and the ISBOA may deem necessary, there shall be made available to City, and/or its representatives, for examination all of its records with respect to all matters covered by this agreement.
- (c) Pursuant to the Act, the Land Bank is subject to Ind. Code § 5-14-1.5 (open door law) and Ind. Code § 5-14-3 (public records law).

7. Land Bank Reports. In addition to information and records required herein, the Land Bank shall provide regular reports to the City, including the Common Council, as they may reasonably request, to permit the City to monitor and evaluate the progress of the Land Bank hereunder. In addition, the Land Bank shall provide to the City, including the Common Council, monthly reports of its expenditures for the prior month.

8. Term. The effective date of this agreement shall be upon its passage and adoption by the City's Common Council and Mayor, and shall remain in full force and effect for a period of one year thereafter. At the anniversary date and each anniversary date thereafter the agreement shall be renewed automatically unless terminated in accordance with the provisions of this agreement.

9. Termination. The City may withdraw at the expiration of any one-year term by giving ninety (90) days written notice to the Land Bank. Irrespective of the foregoing, City's obligations hereunder shall be subject to relevant appropriations by the City and its Common Council.

10. Dissolution and Distribution of Assets. In the event this agreement is terminated, or in the event the Land Bank dissolves, the Land Bank shall conclude its affairs in a manner provided in the Act and Indiana law. All assets of the Land Bank shall be used to satisfy the then existing legal obligations of the Land Bank. After satisfaction of said legal obligations, any real property held by the Land Bank at the time of termination shall be distributed and transferred to the City.

11. Severability. In the event that any portion of this agreement shall be declared null or void, the remaining portions of the agreement shall remain in full force and effect.

**SIGNATURE PAGE TO FOLLOW**

DEPARTMENT OF METROPOLITAN DEVELOPMENT

By: \_\_\_\_\_  
Kelley Coures  
Executive Director

CITY OF EVANSVILLE BOARD OF PUBLIC WORKS

By: \_\_\_\_\_  
Marty Amsler  
President

EVANSVILLE LAND BANK CORP.

By: \_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name, title)